IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Christopher P. Bergh et al.	Art Unit	: 3623
Serial No.	:	09/575,283	Examiner	: Johnna Ronee Loftis
Filed	:	May 22, 2000	Conf. No.	: 1521
Title	:	CUSTOMER LEAD MANAGEMENT SYSTEM		

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<u>APPEAL BRIEF ON BEHALF OF CHRISTOPHER P. BERGH</u>

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(1)   Real Party in Interest

The real party in interest in the above application is the assignee, Unica Corporation.

(2)   Related Appeals and Interferences

Appellant is not aware of any appeals or interferences related to the above-identified patent application.

(3)   Status of Claims

This is an appeal from the decision of the Primary Examiner in a Final Office Action dated **July 9, 2009** finally rejecting claims 29-51, all of the claims in the application. The claims have been twice rejected. Claims 1-28 were canceled. Appellant filed a Notice of Appeal on **October 9, 2009**.

Claims 29-51 are the subject of this appeal.

(4)   Status of Amendments

All amendments have been entered. Appellant did not file a reply to the Final Office Action.

(5)   Summary of Claimed Subject Matter

<u>Claim 29</u>

Appellant's claim 29 is directed to a method for processing customer leads. *"**Referring to FIG. 1, a lead management system ...**"*[1]

Inventive features of Appellant's claim 29 include configuring a lead processing system comprising a networked computer system. *"**Lead management server 100 routes a lead 162 to a particular user based on an internal configuration...**"*[2] *"**Referring to FIG. 2, the lead management system is implemented using a number of computers coupled to one another**"*

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[1] Specification, page 6, lines 2-3.
[2] Id., page 6, lines 17-18.

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through Internet 210. In alternative embodiments, other communication interconnections are also feasible, for example, relying on dedicated or 'dial-up' connections between computers."[3]

Inventive features of Appellant's claim 29 also include accepting a specification of a plurality of rules for determining at least one action of the lead processing system with respect to the users, with the plurality of rules including rules based on attributes of user relationships, wherein the plurality of rules includes global rules and user specific rules. *"That is, an administrator of the server sets a global configuration such as global rules using administration interface 105, while individual users set individual configurations such as rules to apply to leads routed to them using user interfaces 110."*[4]

Inventive features of Appellant's claim 29 also include accepting at least one customer lead. "...*a lead management server 100 that accepts leads 162 from one or more lead sources 160...*"[5]

Inventive features of Appellant's claim 29 also include routing the at least one customer lead through the lead processing system in accordance with the rules, wherein the lead processing system includes a lead management server and a plurality of secondary lead management servers, wherein the plurality of secondary lead management servers are configured to couple one or more computerized information management systems to the lead management server. *"Lead management server 100 routes a lead 162 to a particular user based on an internal configuration, which includes rules for handling leads with different attributes and preferences for particular users."*[6] *"Referring still to FIG. 1, lead management server 100 is also optionally coupled to one or more secondary lead management servers 150."*[7] *... the secondary servers use different structures, for example by providing an interface that couples another information management system to the lead management server according to the standardized protocol."*[8]

Inventive features of Appellant's claim 29 also include receiving, from at least one of the plurality of secondary lead management servers, feedback from at least one of the users, the

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[3] Specification, page 9, lines 2-6.
[4] Id., page 6, lines 20-23.
[5] Id., page 6, lines 3-4.
[6] Id., page 6, lines 17-19.
[7] Id., page 7, lines 34-35.
[8] Id., page 8, lines 5-8.

feedback indicating whether the lead should be accepted, rejected or forwarded to another one of the plurality of users. *"When a lead is sent to a user, the user must in generally provide feedback to the lead management system indicating that the lead is accepted, that it is rejected, or that it should be forwarded to another user."*[9]

Inventive features of Appellant's claim 29 also include re-routing the at least one customer lead, based on the plurality of rules and the received feedback from the at least one of the plurality of users to the another one of the users. *"In addition to routing leads when they arrive, lead management server 100 is configurable to re-route leads after they have been routed to a particular user. For example, the server can periodically re-route leads that have been sent to particular users but have not yet been accepted or rejected."*[10] *"When a lead is sent to a user, the user must in generally provide feedback to the lead management system indicating that...it should be forwarded to another user."*[11]

Inventive features of Appellant's claim 29 also include tracking and reporting an advancement of the at least one customer lead through the lead processing system. *"Based on the tracking of leads through the whole process from input of a lead through winning or losing a sale based on the lead, the system includes a reporting capability."*[12]

Claim 39

Appellant's claim 39 is directed to a lead management system. *"Referring to FIG. 1, a lead management system ..."*[13]

Inventive features of Appellant's claim 39 include a lead management server. . *"Lead management server 100 routes a lead 162 to a particular user based on an internal configuration..."*[14] "

Inventive features of Appellant's claim 39 also include a rules and profile storage module. *"Lead management server 100 ...includes rules for handling leads with different attributes and preferences for particular users."*[15]

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[9] Specification, page 6, lines 33-35.
[10] Id., page 7, lines 5-8.
[11] Id., page 6, lines 33-35.
[12] Id., page 15, lines 18-20.
[13] Id., page 6, lines 2-3.
[14] Specification, page 6, lines 17-18.
[15] Id., page 6, lines 17-19.

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Inventive features of Appellant's claim 39 also include that the rules and profile storage module is configured to store a specification of a plurality of users of the system. *"**Lead management server 100 … includes rules for handling leads with different attributes and preferences for particular users.**"*[16]

Inventive features of Appellant's claim 39 also include that the rules and profile storage module is configured to store a specification of a plurality of rules for determining at least one action of the system with respect to the users, wherein the plurality of rules includes rules being based on attributes of user relationships, wherein the plurality of rules includes global rules and user specific rules. *"**That is, an administrator of the server sets a global configuration such as global rules using administration interface 105, while individual users set individual configurations such as rules to apply to leads routed to them using user interfaces 110.**"*[17]

Inventive features of Appellant's claim 39 also include a lead import module configured to import and accept at least one customer lead. *"**…a lead management server 100 that accepts leads 162 from one or more lead sources 160…**"*[18]

Inventive features of Appellant's claim 39 also include a lead storage module configured to store the at least one customer lead. *"**These modules together provide the functionality to accept, store, and route leads to users of the system.**"*[19]

Inventive features of Appellant's claim 39 also include a rules engine configured to route at least one of the customer leads to at least one of the users in accordance with the rules, to receive feedback from the at least one of the users, the feedback indicating whether the lead should be accepted, rejected or forwarded to another one of the plurality of users, and to re-route the at least one customer lead, based on the plurality of rules and the received feedback from the at least one of the plurality of users to the another one of the users. *"**Lead management server 100 routes a lead 162 to a particular user based on an internal configuration, which includes rules for handling leads with different attributes and preferences for particular users.**"*[20] *"**When a lead is sent to a user, the user must in generally provide feedback to the lead management system indicating that the lead is accepted, that it is rejected, or that it should be**

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[16] Id., page 6, lines 17-19.
[17] Id., page 6, lines 20-23.
[18] Id., page 6, lines 3-4.
[19] Id., page 10, lines 9-10.
[20] Specification, page 6, lines 17-19.

forwarded to another user.[21] *"In addition to routing leads when they arrive, lead management server 100 is configurable to re-route leads after they have been routed to a particular user. For example, the server can periodically re-route leads that have been sent to particular users but have not yet been accepted or rejected."*[22]

Inventive features of Appellant's claim 39 also include a tracking and notification module configured to track the at least one customer lead through the lead management system and report a status of the lead to at least one of the users. *"Based on the tracking of leads through the whole process from input of a lead through winning or losing a sale based on the lead, the system includes a reporting capability."*[23]

Inventive features of Appellant's claim 39 also include a plurality of secondary lead management servers configured to receive at least one of the customer leads from the lead management server, and configured to couple one or more computerized information management systems to the lead management server. *"Referring still to FIG. 1, lead management server 100 is also optionally coupled to one or more secondary lead management servers 150."*[24] *"In other alternative embodiments, the secondary servers use different structures, for example by providing an interface that couples another information management system to the lead management server according to the standardized protocol."*[25]

(6)   The Ground of Rejection to be Reviewed on Appeal

Claims 29-51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, US 6,078,892 in view of Griggs, "Give us leads! Give us leads!", and further in view of Netscape/Aurum.[26]

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[21] Id., page 6, lines 33-35.
[22] Id., page 7, lines 5-8.
[23] Id., page 15, lines 18-20.
[24] Id., page 7, lines 34-35.
[25] Id., page 8, lines 5-8.
[26] The examiner also relies on Official Notice but did not state such in the statement of the rejection.

(7)   Argument

<u>Obviousness</u>

"It is well established that the burden is on the PTO to establish a prima facie showing of obviousness, *In re Fritsch*, 972 F.2d. 1260, 23 U.S.P.Q.2d 1780 (C.C.P.A., 1972)."

In *KSR Intl. Co. v. Teleflex Inc.*, 127 S.Ct. 1727 (2007), the Supreme Court reversed a decision by the Court of Appeal's for the Federal Circuit decision that reversed a summary judgment of obviousness on the ground that the district court had not adequately identified a motivation to combine two prior art references. The invention was a combination of a prior art repositionable gas pedal, with prior art electronic (rather than mechanical cable) gas pedal position sensing. The Court first rejected the "rigid" teaching suggestion motivation (TSM) requirement applied by the Federal Circuit, since the Court's obviousness decisions had all advocated a "flexible" and "functional" approach that cautioned against "granting a patent based on the combination of elements found in the prior art."

In *KSR* the Supreme Court even while stating that: "the Court of Appeals drew the wrong conclusion from the risk of courts and patent examiners falling prey to hindsight bias," warned that: "a factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning."

> The Court of Appeals, finally, drew the wrong conclusion from the risk of courts and patent examiners falling prey to hindsight bias. A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning. See *Graham*, 383 U. S., at 36 (warning against a "temptation to read into the prior art the teachings of the invention in issue" and instructing courts to "'guard against slipping into the use of hindsight'" (quoting *Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co.*, 332 F. 2d 406, 412 (CA6 1964))). Rigid preventative rules that deny factfinders recourse to common sense, however, are neither necessary under our case law nor consistent with it.

With respect to the genesis of the TSM requirement, the Court noted that although "As is clear from cases such as Adams[27], a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can

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[27] United States v. Adams, 383 U. S. 39, 40 (1966)

be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known."

"The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

> Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Laskowski*, 10 U.S.P.Q. 2d 1397, 1398 (Fed. Cir. 1989).

"The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination." *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984).

> Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984) (emphasis in original, footnotes omitted).

"The critical inquiry is whether 'there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.'" *Fromson v. Advance Offset Plate, Inc.*, 225 U.S.P.Q. 26, 31 (Fed. Cir. 1985).

Discussion

1. Claims 29-51 are not rendered obvious over the alleged combination of Anderson, Griggs, and Netscape/Aurum.[28]

Claims 29 and 39

For the purposes of this appeal only, claims 29-31, 35-36, 39-41, 45-46, and 49-51 stand or fall together. Claim 29 is representative of this group of claims.

Claim 29 distinguishes over the alleged combination of Anderson, Griggs, and Netscape/Aurum. Claim 29 is directed to a method and includes the features of: "configuring a lead processing system comprising a networked computer system .... accepting a specification of a plurality of rules for determining at least one action of the lead processing system with respect to the users, … the plurality of rules includes global rules and user specific rules; accepting at least one customer lead; routing the at least one customer lead … in accordance with the rules, … receiving, from at least one of the plurality of secondary lead management servers, feedback … , the feedback indicating whether the lead should be accepted, rejected or forwarded to another one of the plurality of users; re-routing the at least one customer lead, based on the plurality of rules and the received feedback … to the another one of the users; and tracking and reporting … of the at least one customer lead through the lead … system."

Anderson does not teach that a plurality of rules includes global rules and user specific rules.

The examiner stated on page 3 of the office action:

> **wherein the plurality of rules includes global rules and user specific rules (column 6, line 59 through column 7, line 8 - global rules include an initial set of rules which all leads go through to determine demographic data, data describing the nature of the customer business and calculates scores indicating whether a customer associated with the record is likely to buy the products (global rules);**

The examiner relies on Anderson to teach the feature of a plurality of rules for determining at least one action of the lead processing system with respect to the users, wherein

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[28] The examiner also relies on official notice.

the plurality of rules includes global rules and user specific rules. Appellant contends that

Anderson whether taken separately or in combination with the other references neither describes

nor renders obvious this feature of claim 29.

Anderson, col. 6, line 59 – col. 7, line 8 are reproduced below:

> **Referring to FIG. 3, an initial step of the method includes computing a**
> **score for each customer record in the marketing database for each of the**
> **products for sale by the agent. (Block 100). The scores for each customer**
> **record are computed, preferably, in accordance with an external process**
> **which compares customer descriptive information in the customer record**
> **with the products and then returns as scores values indicating whether a**
> **match would likely exist between the customer record and the products, i.e.,**
> **returns scores indicating whether a customer associated with the record is**
> **likely to buy the products. The customer descriptive information may**
> **include, for example, demographic data (e.g., name, address, sex, age of a**
> **customer), data describing the nature and peculiarities of a customer's**
> **business (e.g., annual sales, geographic coverage, size), or any other**
> **information which might be important in assessing a customer's affinity for**
> **a particular product.**

Rather, Anderson describes computing a score relating a customer to a product. Neither

in this paragraph nor anywhere else does Anderson describe global rules belonging to a plurality

of rules for determining at least one action of the lead processing system with respect to the

users, as alleged by the examiner.[29] Instead, Anderson merely describes computing a

relationship between a product and a set of customers *before* a user of the system is involved.

Claim 29 specifically calls for the rules to determine an action with respect to the users, which is

not suggested by Anderson.

> Griggs does not teach receiving feedback from at
> least one of the users, the feedback indicating
> whether the lead should be accepted, rejected or
> forwarded to another one of the plurality of users.

The examiner acknowledges that Anderson does not explicitly teach feedback, re-routing

and so forth.[30] The examiner relies on Griggs, stating on page 4 of the final action:

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[29] By comparison, page 6, lines 23-24 of Applicant's Specification describes that "[t]he global configuration typically handles a first level of routing of leads to particular users."
[30] Final action p. 3.

> **Griggs also teaches a ranking matrix that rates leads as hot, warm or cold based on predetermined questions (page 3, paragraph 14). In addition, Griggs teaches if the prospect is deemed hot or warm, a lead card detailing the inquiry is sent to the field (re-routed). Cold leads are also sent to salespeople for follow up (page 3, paragraph 14).**

More specifically, the examiner relies on Griggs to teach the feature of receiving feedback from at least one of the users, the feedback indicating whether the lead should be accepted, rejected or forwarded to another one of the plurality of users. Appellant contends that Griggs whether taken separately or in combination with the other references neither describes nor renders obvious this feature of claim 29.

Griggs, page 3, paragraph 14 is reproduced below:

> **Working with Adtrack Cedar Rapids, Iowa, firm that specializes in developing leads for business to-business sales, Hitch set up an overall ranking matrix that rates leads as hot, warm, or cold based on questions such as whether the prospect has a current project that includes Belden's product line, whether that project is scheduled within the next six months, and whether the prospect currently purchases wire and cable. If the prospect is deemed hot or warm based on these answers, a lead card detailing the inquiry's history is sent to the field. Monthly listings of cold leads also are sent to salespeople, and some choose to follow up on those as well.**

Thus, Griggs only describes rating leads as hot, warm, or cold based on a ranking matrix. Neither in this paragraph nor anywhere else does Griggs describe whether a lead should be accepted, rejected or forwarded to another user. Rather, the ratings as described by Griggs appear to have no bearing on whether a lead is accepted, rejected, or forwarded, because "hot" and "warm" leads are both "**sent to the field**," and even "cold" leads are also "**sent to salespeople**." Nothing about a system where all of the leads are rated and sent to salespeople can be taken to be equivalent to receiving feedback "indicating whether the lead should be accepted, rejected or forwarded to another one of the plurality of users," as required by the claim.

> <u>Griggs does not teach re-routing at least one customer lead, based on a plurality of rules and received feedback from the at least one of a plurality of users to another one of the users.</u>

The examiner also relies on Griggs, page 3, paragraph 14 to teach the feature of re-routing at least one customer lead, based on a plurality of rules and received feedback from at least one of a plurality of users to another one of the users. Appellant contends that Griggs whether taken separately or in combination with the other references neither describes nor renders obvious this feature of claim 29.

As explained above, Griggs only describes rating leads as hot, warm, or cold based on a ranking matrix. This is simply assigning a category to a lead before it is sent to salespeople and does not constitute re-routing the lead, e.g., routing the lead to a user other than the user than the lead was previously routed. Nothing else in Griggs describes re-routing a lead, including re-routing the lead based on a plurality of rules and received feedback from the at least one of a plurality of users to another one of the users.

> **The examiner's official notice is inadequate because
> the examiner has not shown that the facts asserted
> are well-known or capable of instant and
> unquestionable demonstration as being well-known.**

The examiner stated on page 5 of the Final Office Action:

> **Further, the combination of above listed references does not explicitly teach
> secondary lead management servers are configured to couple one or more
> computerized information management systems to the lead management
> server. Examiner takes official notice that it would have been obvious to
> one of ordinary skill in the art at the time of the invention to employ such
> client-server based technology. The use of such technology is old and well
> known and incorporating it into the system as taught by the above listed
> references enhances the system by providing centralized multi-user
> functionality.**

Claim 29 calls for, among other things, "…a plurality of secondary lead management servers…configured to couple one or more computerized information management systems to the lead management server." The examiner asserts official notice of this feature, not finding the feature in any purported combination of Anderson, Griggs, and Netscape/Aurum. Appellant contends that the examiner's assertion of official notice is inadequate because the examiner has

not shown that the facts asserted are well-known or capable of instant and unquestionable

demonstration as being well-known.[31]

The justification for the official notice provided is given as "**it would have been obvious to**

one of ordinary skill in the art at the time of the invention to employ such client-server based technology."

If, as argued by the examiner, it would have been obvious to combine Anderson, Griggs, and

Netscape/Aurum with "a plurality of secondary lead management servers…configured to couple

one or more computerized information management systems to the lead management server," by

"**employ[ing] such client-server based technology,**" then Appellant contends that the examiner must

provide specific factual findings predicated on sound technical and scientific reasoning to

support this conclusion.[32] Otherwise, the rejection serves only as an inappropriate attempt by

the examiner to take away the patentable weight from an element of the claim without carrying

out proper examination thereof.

Without imputing Appellant's Specification into the claim, but in order to assist the

Board in construing the claimed feature, reference is made to the originally filed application at

page 7, line 34 to page 8, line 22, which reads:

> Referring still to FIG. 1, lead management server 100 is also optionally coupled to one or more secondary lead management servers 150. These servers are similar to lead management server 100, and optionally may be restricted to received leads only from the lead management server, and not directly from other lead sources. The secondary servers communicate with the lead management server according to a standardized protocol, in this embodiment based on XML specifications of leads. In some embodiments, the secondary servers are implemented using the same structure as the lead management server. In other alternative embodiments, the secondary servers use different structures, for example by providing an interface that couples another information management system to the lead management server according to the standardized protocol. After the lead is routed to the secondary server, it is partially replicated in the lead storage of both servers, although the fields of the two stored leads may not be identical, since lead management server 100 may withhold some details regarding the lead from secondary server 150. The lead management server updates the lead based on feedback from the secondary server when it updates its copy of the lead, for example when the lead is assigned to a user. An exemplary application of the lead management system has a vendor operating lead management server 100 and resellers operating secondary lead management servers 150. The vendor has users 100, such as direct sales representatives, who receive leads directly from lead management server 100. some leads are sent to a reseller by transferring lead information to the secondary server. The secondary

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[31] "While 'official notice' may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." MPEP 2144.03
[32] MPEP 2144.03; See In re Soli, 317 F.2d 941, 946, 137 USPQ 797, 801 (CCPA 1963); In re Chevenard, 139 F.2d 711, 713, 60 USPQ 239, 241 (CCPA 1943).

server may provide some feedback information regarding the status of the lead to the lead management server 100. However, for example for competitive business reasons, some information such as the identity of a particular user assigned a lead by secondary lead management server 150 or contact information related to the lead may be kept private to the secondary system.

As such, the claimed plurality of secondary lead management servers not are configured to couple one or more computerized information management systems to the lead management server.

Appellant contends that official notice intended for "common knowledge in the art [capable of] instant and unquestionable demonstration as being well-known" is inappropriate for such sophisticated technology as recited in claim 1. The examiner makes no attempt to provide supporting facts or reasoning for the official notice, instead relying only on a conclusory statement that "[t]he use of such technology is old and well known." If it is true, as the examiner alleges, that "…a plurality of secondary lead management servers…configured to couple one or more computerized information management systems to the lead management server" is already known and capable of instant and unquestionable demonstration as being well-known, the examiner has nonetheless provided no facts or reasoning to support this conclusion. Absent sound technical and scientific reasoning for official notice, the recitation of this type of technology is no more than an assertion of specific knowledge of the prior art by the examiner and does not have adequate support, e.g., citations to reference works recognized as standard in the art.[33]

> ### The examiner's official notice does not remedy the deficiencies of the alleged combination of Anderson, Griggs, and Netscape/Aurum.

The examiner's rejection asserting official notice states that "it would have been obvious to one of ordinary skill in the art at the time of the invention to employ such client-server based technology". In contrast, the element of claim 29 not found in an alleged combination of Anderson, Griggs, and Netscape/Aurum requires a plurality of secondary lead management servers "configured to

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[33] "Assertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art and the appellant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. [...] Allegations concerning specific 'knowledge' of the prior art, which might be peculiar to a particular art should also be supported and the appellant similarly given the opportunity to make a challenge." In re Ahlert, 424 F.2d 1088 (C.C.P.A. 1970).

couple one or more computerized information management systems to the lead management server." The examiner has made no connection between this element of the claim and the alleged "**client-server based technology**" asserted in the official notice.

While client-server based technology is clearly known in the art, the examiner has not shown how knowledge of this technology can be combined with Anderson, Griggs, and Netscape/Aurum to render obvious the elements of claim 29. The alleged official notice neither describes nor would render obvious the features of the claim that the notice allegedly teaches, nor remedies the deficiencies of the alleged combination of Anderson, Griggs, and Netscape/Aurum.

Claims 32-34 and 42-44

For the purposes of this appeal only claims 32-34 and 42-44 stand or fall together. Claim 32 is representative of this group of claims.

<u>Anderson does not teach rules that comprise attachment rules for determining additional information to be attached to leads prior to further routing of the lead.</u>

The examiner stated on page 5 of the office action:

> **As per claim 32, Anderson et al teaches the rules comprise attachment rules for determining additional information to be attached to the leads prior to further routing of the lead (column 8, lines 49-67 - when the user accepts the lead, the additional customer information which was previously withheld is output).**

Claim 32 further limits claim 29 and requires that the rules comprise attachment rules for determining additional information to be attached to the leads prior to further routing of the lead. Contrary to the examiner's assertion, Appellant contends that Anderson whether taken separately or in combination with the other references neither describes nor renders obvious claim 32.

Anderson, column 8, lines 49-67 are reproduced below:

> **The customer lead information produced from the search may, if desired, be output with a minimum amount of information, in order to increase**

**output density and to prevent superfluous information from being output
which can clutter coherency of the search results. This minimum amount of
information may, for example, include merely one or more demographic
attributes retrieved from the corresponding database record.
Advantageously, the customer lead information is output without customer
contact information, e.g., telephone numbers, names of key persons to
contact, etc. Omitting this type of information may prove beneficial, at least
because it may allow sales agents to access information (e.g., additional
demographic attributes) which might not otherwise be available to them
because of privacy issues. A fifth step of the method includes the user
selecting one 65 or more of the customer leads output from the search
(Block 107), at which time additional information from the customer record
corresponding to the selected lead may be output.**

Anderson only describes omitting or outputting information retrieved from the database

record to a corresponding customer lead. In contrast, claim 32 calls for attachment rules for

determining additional information to be attached to the leads prior to further routing of the lead.

Neither in this paragraph nor anywhere else does Anderson describe this temporal limitation

involving attaching additional information to a lead as it is routed through the system.[34] On the

contrary, Anderson is merely describing informational already associated with a lead, i.e.,

"information from the customer record corresponding to the selected lead." Such information cannot be

said to be additional information determined to be attached to a lead prior to further routing of

the lead.

Thus, Anderson neither describes nor would render obvious the features of claim 32, and

nothing in Griggs or Netscape/Aurum remedies this deficiency. Accordingly, claim 32 is

patentable over the references.

Claims 37-38 and 47-48

For the purposes of this appeal only, claims 37-38 and 47-48 stand or fall together.

Claim 37 is representative of this group of claims.

Griggs does not teach that tracking and reporting an
advancement of at least one customer lead includes
generating at least one performance report
comprising a metric of a performance of at least one

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[34] By way of explanation, Applicant's Specification, page 14 lines 22-33, describes some examples of attaching
additional information, including product specifications, documentation of promotional programs, and training
presentations to prepare the user for selling a particular product.

> of (i) a source of the leads, and (ii) at least one of
> the users.

The examiner stated on page 5 of the office action:

> **As per claim 37, Anderson et al does not explicitly teach tracking and
> reporting an advancement of the at least one customer lead includes
> generating at least one performance report comprising a metric of
> performance of at least one of: (i) a source of the leads, and (ii) at least one
> of the users. Griggs teaches the use of an automated lead-management
> system that allows one to track leads from its inception to close (page 2,
> paragraph 7). While the lead is tracked, one user indicated they determined
> 91.5% of leads given are contacted (page 3, paragraph 15; this inherently
> shows performance of at least one of the users being reported). The
> information collected is useful in evaluating return on investment. Since
> both Anderson et al and Griggs teach a customer lead system wherein leads
> are routed through system to an appropriate user and tracked, it would
> have been obvious to modify Anderson et al to include reporting
> performance data to help improve return on investment.**

Claim 37 further limits claim 29 and requires that tracking and reporting an advancement of the at least one customer lead includes generating at least one performance report comprising a metric of a performance of at least one of (i) a source of the leads, and (ii) at least one of the users. Contrary to the examiner's assertion, Appellant contends that Griggs whether taken separately or in combination with the other references neither describes nor renders obvious claim 37.

Griggs, page 3, paragraph 15 is reproduced below:

> "The volume of leads has dropped off, but the quality has improved," Hitch
> says, noting that the salespeople now contact 91.5 percent of the leads
> they're given. "At this particular point, we're satisfied with the return
> we've gotten on our investment, and that's the bottom line."

The examiner alleges that this paragraph teaches the subject matter of claim 37, including a performance report comprising a metric of a performance of at least one of a source of the leads, and at least one of the users. Griggs only discloses a percentage of leads contacted by salespeople, and says nothing in this short paragraph about a report containing information about the source of any of the leads or the performance of any particular user. The examiner asserts that "**this inherently shows performance of at least one of the users being reported,**" yet Griggs only describes how many leads are contacted in aggregate by the salespeople, providing nothing in the

way of a performance report comprising a metric of a performance of at least one of the users of the system. Further, nothing about the percentage of leads contacted says anything about the performance of the <u>source</u> of any of the leads, as required by the claim.

Thus, Griggs neither describes nor would render obvious the features of claim 37. The examiner noted that Anderson does not teach these features, and nothing in Netscape/Aurum remedies this deficiency. Accordingly, claim 37 is patentable over the references.

Conclusion

Appellant submits that claims 29-51 are patentable over the art of record. Therefore, the examiner erred in rejecting Appellant's claims and should be reversed.

Respectfully submitted,

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Appendix of Claims

Claims 1- 28 are cancelled.

29. A method for processing customer leads comprising:

configuring a lead processing system comprising a networked computer system, including

       accepting a specification of a plurality of users of the system, and

       accepting a specification of a plurality of rules for determining at least one

       action of the lead processing system with respect to the users, with the plurality of

       rules including rules based on attributes of user relationships, wherein the

       plurality of rules includes global rules and user specific rules;

accepting at least one customer lead;

routing the at least one customer lead through the lead processing system in accordance with the rules, wherein the lead processing system includes a lead management server and a plurality of secondary lead management servers, wherein the plurality of secondary lead management servers are configured to couple one or more computerized information management systems to the lead management server;

receiving, from at least one of the plurality of secondary lead management servers, feedback from at least one of the users, the feedback indicating whether the lead should be accepted, rejected or forwarded to another one of the plurality of users;

re-routing the at least one customer lead, based on the plurality of rules and the received feedback from the at least one of the plurality of users to the another one of the users; and

tracking and reporting an advancement of the at least one customer lead through the lead processing system.

30. The method of claim 29, wherein the rules comprise prioritization rules for assigning a priority to a lead based on at least one attribute of the lead.

31. The method of claim 29, wherein the rules comprise assignment rules for assigning the leads to one or more users.

32. The method of claim 29, wherein the rules comprise attachment rules for determining additional information to be attached to the leads prior to further routing of the lead.

33. The method of claim 32, wherein the additional information comprises specifications of a product associated with the lead.

34. The method of claim 32, wherein the additional information comprises documentation of a program to facilitate the sale of at least one of a product and service associated with the lead.

35. The method of claim 29, wherein the rules comprise workflow rules for optimizing a flow of leads through the system to facilitate a rapid lead response and a high rate of lead closure.

36. The method of claim 29, wherein a particular user selects at least one rule to be applied to that user.

37. The method of claim 29, wherein tracking and reporting an advancement of the at least one customer lead includes generating at least one performance report comprising a metric of a performance of at least one of:
    (i) a source of the leads, and
    (ii) at least one of the users.

38. The method of claim 37, wherein the source of the leads includes a marketing campaign.

39. A lead management system comprising:
    a lead management server, including:

a rules and profile storage module configured to store a specification of a plurality

of:

(i) users of the system, and

(ii) rules for determining at least one action of the system with respect to

the users, wherein the plurality of rules includes rules being based on attributes of

user relationships, wherein the plurality of rules includes global rules and user

specific rules;

a lead import module configured to import and accept at least one customer lead;

a lead storage module configured to store the at least one customer lead;

a rules engine configured to route at least one of the customer leads to at least one of the

users in accordance with the rules, to receive feedback from the at least one of the users, the

feedback indicating whether the lead should be accepted, rejected or forwarded to another one of

the plurality of users, and to re-route the at least one customer lead, based on the plurality of

rules and the received feedback from the at least one of the plurality of users to the another one

of the users;

a tracking and notification module configured to track the at least one customer lead

through the lead management system and report a status of the lead to at least one of the users;

and

a plurality of secondary lead management servers configured to receive at least one of the

customer leads from the lead management server, and configured to couple one or more

computerized information management systems to the lead management server.

40.   The lead management system of claim 39, wherein the rules comprise prioritization

rules for assigning a priority to a lead based on at least one attribute of the lead.

41.   The lead management system of claim 39, wherein the rules comprise assignment

rules for assigning the leads to one or more users.

42. The lead management system of claim 39, wherein the rules comprise attachment rules for determining additional information to be attached to the leads prior to further routing of the lead.

43. The lead management system of claim 42, wherein the additional information comprises specifications of a product associated with the lead.

44. The lead management system of claim 42, wherein the additional information comprises documentation of a program to facilitate the sale of at least one of a product and service associated with the lead.

45. The lead management system of claim 39, wherein the rules comprise workflow rules for optimizing a flow of leads through the lead management system to facilitate a rapid lead response rate and a high rate of lead closure.

46. The lead management system of claim 39, wherein a particular user selects at least one rule to be applied to that user.

47. The lead management system of claim 39, wherein the tracking and notification module generates at least one performance report comprising a metric of a performance of at least one of:
        (i) a source of the leads, and
        (ii) at least one of the users.

48. The system of claim 47, wherein the source of the leads includes a marketing campaign.

49. The lead management system of claim 39, wherein the lead management server and the plurality of secondary lead management servers use an equivalent data structure.

50. The lead management system of claim 39, wherein the plurality of secondary lead management servers are configured to provide feedback information regarding the received customer leads.

51. The lead management system of claim 50, wherein the lead management server receives the feedback information and updates a status of the received customer leads.

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Evidence Appendix

NONE

Related Proceedings Appendix

NONE